

203391US6



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MARI SAITO, et al. : EXAMINER: ABEL-JALIL, N.
SERIAL NO: 09/785,204 :
FILED: FEBRUARY 20, 2001 : GROUP ART UNIT: 2175
FOR: INFORMATION PROCESSING :
APPARATUS AND METHOD
AND PROGRAM STORAGE
MEDIUM

SECOND SUPPLEMENTAL APPEAL BRIEF AND SECOND REQUEST FOR APPEAL
REINSTATEMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is a second supplemental request for reinstatement of the appeal in the above-, identified application and the second supplemental appeal brief in reply to the Notification of Non-Compliant Brief mailed September 2, 2005, and new ground of rejection made by the examiner in the new Action (hereinafter, NA) mailed July 29, 2004. This second supplemental brief in reply to the new grounds of rejection raised in the NA is in compliance with 37 CFR §41.37 and again elects the option set forth in the NA of requesting reinstatement of the appeal.

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is the Assignee SONY CORPORATION.

II. RELATED APPEALS AND INTERFERENCES

Appellants' legal representative and the Assignee are aware of no appeals which will directly effect or be directly effected by or have any bearing on the Board's decision in this appeal

III. STATUS OF THE CLAIMS

Claims 1-20, the only claims in this application, stand rejected in the NA which forms the basis for this appeal. A clean copy of the rejected Claims 1-20 are attached as an appendix to this brief.

IV. STATUS OF THE AMENDMENTS

No amendments have been filed after the NA.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The claimed subject matter includes an information processing apparatus and method for displaying associated information that corresponds to a present event. This apparatus includes, for example, the acquisition means, event occurrence detection means, search means and display control means recited by independent Claim 1.

In this regard, the acquisition means finds support in the accumulation block 1, shown in Fig. 1, where the accumulation block 1 is disclosed to be for acquiring associated information, here related to documents, via blocks 2-4 and prepares a document feature "past event" database via block 5 and as described relative to the steps S1-S7 of FIG. 3.

In the exemplary Fig. 1 embodiment supporting independent Claim 1, the event occurrence detection means detecting the occurrence of the present event finds support regarding the event extraction block 8. This event extraction block 8 is described in the specification at page 14, lines 17-24, for example, as detecting the end of e-mail transfer or of a selected text data quantity being exceeded during document editing.

Moreover the detecting by the event occurrence detection means is defined to be detecting the occurrence of a present event at lines 22-24 of page 14 and lines 1-2 of page 15 of the specification, for example. After the detection of this present event via exemplary block 8, a search is made of existing information (in the document feature or “past event” database). Support for the corresponding search means appears relative to the exemplary database inquiry block 9 functioning as the search means in order to find a document with features having a similarity to the information corresponding to the detected present event document as fully explained relative to the exemplary Figure 1 embodiment on page 15, lines 2-17 of the specification. Support for this means is also found at page 19, line 18-page 20, line 7 of the specification describing a similar search of URL and title information on the web by information retrieval block 6 functioning as further explained at lines 15-17 of this specification page, the associated information that corresponds to the search results obtained by exemplary database inquiry block 9 search means are supplied to an associated information presentation block 10. The claimed display control means finds support in this associated information presentation block 10 that provides a display of the associated information that is related to the existing information retrieved by the search means and is the result.

With further regard to an exemplary disclosure of corresponding steps of independent Claim 7 and program storage medium of independent Claim 8, note the flow charts of Figure 3 and Figure 5. Figure 3 shows steps S1-S7 and Figure 5 shows steps S11-S21. The corresponding Figure 3 description appears at page 17, line 21 through page 21, line 8, of the specification while the corresponding Figure 5 description appears at page 21, line 9 through page 22, line 20 of the specification. The description of the program storage medium at page 48, line 1-page 49, line 3 of the specification are also relevant as to exemplary support.

Independent apparatus Claim 9 subject matter includes processing detection means, key word detection means, search means, input means, command processing means, and display control means.

Page 14, lines 17-24 and FIG. 1 also provides support for the independent Claim 9 processing detection means associated with the block 8 detection of mailer program (end of transfer) or word processor program (text data quantity) processing as an event. The keyword detection means of independent Claim 9 finds exemplary support as to data base inquiry block 9 that captures a document corresponding to the detected event and determines a key word from this event document as described at page 15 lines 1-8. The database inquiry block 9 that then searches the database for the key words as described at page 15 lines 8-17 of the specification and provides exemplary support for the independent Claim 9 search means. Also note steps S12-S15 of FIG. 5 and the description thereof at page 21, line 15-page 22, line 20 of the specification.

As further explained at page 24, lines 2-16, for example, input means ("see" button) are provided. This input means can take other forms, note, for example, page 31, line 6-page

32, line 11, describing an animated display with an input window 61. These input means are used to control command processing means to execute processing on the associated information retrieved by the search means as to step S18 of FIG. 5 or step S42 of the FIG. 7 agent embodiment that corresponds thereto as explained at page 32, line 20-page 33, line 6.

With final regard to the FIG. 7 agent embodiment, display control means are provided to first bring the agent onto the display at Step S31 when the associated program is started (see page 28, lines 13-17, for example), and the manner of displaying agent changes in response to the commands inputted by the input means commands of step S41 (see page 34, lines 6-17, for example).

The support for independent method Claim 15 and independent program storage medium Claim 16 is the same as that for independent apparatus Claim 9 as these claims parallel this independent apparatus claim.

Thus, support for the initial “detecting” steps of Claim 15 and 16 relate to the disclosed detecting the occurrence of a present event at lines 22-24 of page 14 and lines 1-2 of page 15 of the specification, for example. As further already explained the keyword detecting steps of claims 15 and 16 have the same support as the key word detection means of Claim 9 and, thus, find exemplary support as to data base inquiry block 9 that captures a document corresponding to the detected event and determines a key word from this event document as described at page 15 lines 1-8. As also explained relative to Claim 9, the searching step of Claims 15 and 16 is supported by the exemplary block 8, in which a search is made of existing information (in the document feature or “past event” database). Support for the corresponding search.

As also noted above as to Claim 9, support for searching is also found at page 19, line 18-page 20, line 7 of the specification describing a similar search of URL and title information on the web by information retrieval block 6 functioning as further explained at lines 15-17 of this specification page, the associated information that corresponds to the search results obtained by exemplary database inquiry block 9 searching are supplied to an associated information presentation block 10. The claimed displaying step is then like the Claim 9 display control means that finds support in this associated information presentation block 10 that provides a display of the associated information that is related to the existing information retrieved by the searching.

As further explained above relative to Claim 9 and page 24, lines 2-16, for example, the inputting of Claims 15v and 16 is taught here and at page 31, line 6-page 32, line 11, for example, describing an animated display with an input window 61. As further noted above as to Fig. 9, such Claim 15 and 16 “inputting” can be used to control a command processing step as in Claims 15 and 126 that corresponds to the Claim 9 command processing means so as to execute processing on the associated information retrieved by the searching as to step S18 of FIG. 5, or step S42 of the FIG. 7 agent embodiment that corresponds thereto. See page 32, line 20-page 33, line 6.

With final regard to the FIG. 7 agent embodiment as support for Claims 15 and 16 as well as Claim 9, display controlling was noted as to first bringing the agent onto the display at Step S31 when the associated program is started (see page 28, lines 13-17, for example), and the manner of displaying agent changes in response to the commands inputted by the input means commands or “inputting” of step S41 (see page 34, lines 6-17, for example).

The coordination of voice signals of the Claim 11 output means is supported by Claim 11 is supported at page 29, lines 5-16, for example, that relate to a voice synthesizer that is not shown as noted here.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The first ground of rejection for review is the rejection of Claims 1-4, 9-11, 14-17, and 19 under 35 U.S.C. § 102(e) as being anticipated by Shafer et al. (U.S. Patent No. 6,094,681, hereinafter Shafer). The second ground of rejection for review is the rejection of Claims 5-8, 12, 13, and 20 as being unpatentable over Shafer in view of Conley, Jr. et al. (U.S. Patent No. 6,434,745, hereinafter Conley, Jr.) .

VII. ARGUMENT

A. The subject matter of Claim 1 is not anticipated by Shaffer

It is first noted that Shaffer simply discloses a method and system for automatically providing remote notification of an ongoing event that includes detecting the event by receiving **presently occurring** data and analyzing the content **of this presently occurring** data using a data filter of a computer.

It is well established that each word of every claim must be given weight. See In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Further, it is well established that while the PTO is to give claim language its broadest "reasonable" interpretation, this does not mean that the PTO can completely ignore the understanding that

the artisan would have of the term “past” obtained in light of the specification so as to ascribe a completely different and unknown meaning to “past.” See In re Cortright, 165 F.3d 1353, 1358, 49 USPQ 2d 1464, 1467 (Fed. Cir. 1999). (“Although the PTO must give claims their broadest reasonable interpretation, this interpretation must be consistent with the one those skilled in the art would reach.”) and In re Okuzawa, 537 F.2d 545, 548, 190 USPQ 464, 466 (CCPA 1976) citing In re Royka, 490 F.2d 981, 984, 180 USPQ 580, 582-83 (CCPA 1974) (“Claims are not to be read in a vacuum, and while it is true they are given the broadest *reasonable* interpretation during prosecution, their terms still have to be given the meaning called for by the specification of which they form a part.”).

Accordingly, the PTO is called upon to explain how it can reasonably interpret the Claim 1 “acquisition means for acquiring said associated information using existing information corresponding to a **past** event” (emphasis added) on the **presently occurring** event being detected by the Shaffer data filter 16 as alleged in the NA with regard to col. 2, lines 7-23 of Shaffer. In this regard, past events are of no interest to Shafer. As explained at col. 2 lines 43-49 of Shafer, updates, not past occurrences are the concern in terms of providing timely notification of a present event detected by the data filter. In addition, note col. 4, lines 14-20.

Clearly, anticipation of the subject matter of Claim 1 by Shaffer requires a disclosure in Shaffer of all the subject matter of Claim 1 including the “acquisition means for acquiring said associated information using existing information corresponding to a **past** event” (emphasis added). Just as clearly, the Shaffer taught acquiring of information using existing

information corresponding to a **currently occurring** event cannot be said to teach this limitation, at least not giving the word "**PAST**" any reasonable interpretation.

Moreover, the reasoning permitting the Claim 1 "event occurrence detection means **for detecting the occurrence of said present event**" (emphasis added) on the transmitter that transmits an event notification message as described at col.2, lines 24-37 of Shaffer is not understood. How does the PTO interpret a transmitter to detect anything, much less that a present event has occurred?

Furthermore, Claim 1 requires a separate "search means for searching said existing information having similarity to information corresponding to the present event detected by the event occurrence detection means" and page 3 of the NA suggests that it can be reasonably said that the data filter 16 that is to do the searching of col. 2 lines 38-59 can also be read as the search means. However, the searching performed by the data filter 16 is a search for data indicating that the present event it is to detect has occurred, there is no searching for anything that can be reasonably said to be "existing information having similarity to information corresponding to the present event detected by the event occurrence detection means."

As anticipation of the subject matter of Claim 1 by Shaffer requires a disclosure in Shaffer of all the subject matter of Claim 1, and as this has not been shown, reversal of this rejection is believed to be in order.

B. The subject matter of Claim 9 is not anticipated by Shaffer

Claim 9 recites an "information processing apparatus for displaying a character on a display device and for displaying associated information related to a **text file processed by a**

predetermined application program” (emphasis added) that the NA simply states is taught with no hint where this teaching can be found. Col. 4, lines 10-5(?) and col. 6 lines 56-59 that appear to be concerned with push service monitoring for updates by the data filter 16 is then erroneously said to teach the Claim 9 “processing detection means for detecting, as an event, **predetermined processing of said predetermined application program**” (emphasis added) where the application program has to process a **text file** as clearly noted above. Whatever can be said of the detection of updates of websites, it is not clear how the PTO is deriving “**predetermined processing of said predetermined application program**” that includes processing of a **text file** therefrom.

Similarly, Claim 9 requires that the “key word detection means” must detect “a key word **from said text file processed by said predetermined application program**” (emphasis added). Once again these specific words of Claim 9 appear to be ignored because col. 4, lines 11-20 and col.3, lines 48-64 teach no such detection of “a key word **from said text file processed by said predetermined application program**” (emphasis added). In this regard, the nature of the data being searched by the data filter 16 is not disclosed to be a “text file” at either of these locations and the attempt to interpret the data filter 16 as both the “processing detection means” and the “key word detection means” is clearly improper.

Once again, as anticipation of the subject matter of Claim 9 by Shaffer requires a disclosure in Shaffer of all the subject matter of Claim 9, and as this has not been shown, reversal of this rejection is believed to be in order.

C. The subject matter of Claims 15 and 16 is not anticipated by Shaffer

Claim 15 is an independent method claim including steps that closely parallel the limitations of Claim 9. Similarly, independent program storage medium Claim 16 is a claim with steps of a computer program that closely parallel the limitations of Claim 9. Thus, these claims recite essentially the same introductory limitation as that of claim 9 requiring “displaying associated information related to a text file processed by a predetermined application program” (emphasis added). Col. 6 lines 13-59 of Shaffer mentioned at page 5 of the NA do not teach any “text file processed by a predetermined application program.” Similarly, the continued reliance on col. 4, lines 10-5(?) and col. 6 lines 56-59 that appear to be concerned with push service monitoring for updates by the data filter 16 is not understood at page 6 of the NA as these are not teachings specific to any step of “detecting, as an event, predetermined processing of said predetermined application program” (emphasis added) where the application program has to process a text file as clearly noted above. Whatever can be said of the detection of updates of websites, it is not clear how the PTO is deriving “predetermined processing of said predetermined application program” that includes processing of a text file therefrom.

Similarly, Claims 15 and 16 “detecting a key word from said text file processed by said predetermined application program” (emphasis added). Once again these specific words of Claims 15 and 16 appear to be ignored because col. 4, lines 11-20 and col.3, lines 48-64, noted at page 6 of the NA, teach no such detection of “a key word from said text file processed by said predetermined application program” (emphasis added). As noted above, the nature of the data being searched by the data filter 16 is not disclosed to be a “text file” at

either of these locations and the attempt to interpret the data filter 16 as both the “processing detection means” and the “key word detection means” is clearly improper.

Once again, as anticipation of the subject matter of Claims 15 and 16 by Shaffer requires a disclosure in Shaffer of all the subject matter of Claims 15 and 16 and as this has not been shown, reversal of this rejection is believed to be in order.

D. The subject matter of Claims 2-4, 10, 17, and 19 is not anticipated by Shaffer

Each of Claims 2-4, 17, and 19 depend on Claim 1 and, thus, define over Shaffer for the same reasons Claim 1 does.

Claim 10 depends on Claim 9 and defines over Shaffer for the same reasons Claim 9 does.

E.. The subject matter of Claim 11 is not anticipated by Shaffer

Claim 11 depends on Claim 9 and defines over Shaffer for the same reasons Claim 9 does. In addition, Claim 11 recites “output means for outputting a voice signal corresponding to said text information displayed by said display control means.” The NA suggests that the col. 7, lines 19-37 teaching of a paging notification message that has nothing to do with the “text information displayed by said display control means” can be reasonably read on this limitation. This assertion is in error and this anticipation rejection should also be reversed.

F. The subject matter of Claims 7 and 8 is not obvious over Shaffer in view of Conley, Jr.

Claim 7 is an independent method claim including steps that closely parallel the limitations of Claim 9. Similarly, independent program storage medium Claim 8 is a claim with steps of a computer program that closely parallel the limitations of Claim 9. Thus, these claims recite essentially the same subject matter as Claim 9 in terms of a text file. Once

again these specific “text file” words of Claims 7 and 8 appear to be ignored because col. 4, lines 11-20 and col.3, lines 48-64, noted at page 9 of the NA, teach no detection of “a key word **from a text file**.” Moreover, the later step of these claims requiring “detecting a keyword from said text file corresponding to said event detected in the event occurrence detecting step” has nothing to do with anything reasonably taught at col. 3, lines 48-64 of Shaffer that only teach generating a text message as a notification, not as a text file for any key word selection.

Moreover, the NA errs in failing to set forth any reasonable basis to even select Connley, Jr. for combination with Shaffer, much less a reasonable basis to attempt to combine the clearly disparate teachings of these references.

Finally, Connley, Jr. cures none of the deficiencies noted above as to Shaffer so that even if combined with Shaffer, for some unknown reason, the result would still not be the subject matter of these Claims.

Accordingly, this rejection of Claims 7 and 8 over these references is clearly in error and should be reversed.

E. The subject matter of Claims 5, 6, 12, 13, and 20 is not obvious over Shaffer in view of

Conley, Jr.

Each of Claims 5, 6, and 20 depend on Claim 1 and, thus, define over Shaffer for the same reasons Claim 1 does. In addition, the NA errs in failing to set forth any reasonable basis to even select Connley, Jr. for combination with Shaffer, much less a reasonable basis to attempt to combine the clearly disparate teachings of these references.

Finally, Connley, Jr. cures none of the deficiencies noted above as to Shaffer so that even if combined with Shaffer, for some unknown reason, the result would still not be the subject matter of these Claims.

Accordingly, this rejection of Claims 5, 6, and 20 over these references is clearly in error and should be reversed.

Claims 12 and 13 depend on Claim 9 and defines over Shaffer for the same reasons Claim 9 does. In addition, the NA errs in failing to set forth any reasonable basis to even select Connley, Jr. for combination with Shaffer, much less a reasonable basis to attempt to combine the clearly disparate teachings of these references.

Finally, Connley, Jr. cures none of the deficiencies noted above as to Shaffer so that even if combined with Shaffer, for some unknown reason, the result would still not be the subject matter of these claims.

Accordingly, this rejection of Claims 12 and 13 over these references is clearly in error and should be reversed.

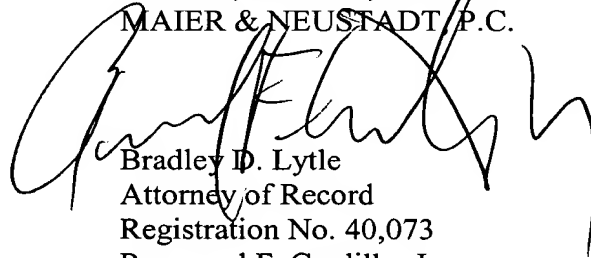
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CONCLUSION

The rejections applied to Claims 1-20 should all be reversed as being clearly improper under the controlling precedent cited above and for the above-noted reasons.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT P.C.

A large, stylized handwritten signature in black ink, likely belonging to Bradley D. Lytle, is written over the printed name and title.

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VII. CLAIMS APPENDIX

1. An information processing apparatus displaying associated information corresponding to a present event, comprising:

acquisition means for acquiring said associated information using existing information corresponding to a past event;

event occurrence detection means for detecting the occurrence of said present event;

search means for searching said existing information having similarity to information corresponding to the present event detected by the event occurrence detection means; and

display control means for controlling displaying of said associated information related to the existing information retrieved by said search means.

2. The information processing apparatus according to claim 1, wherein said event occurrence detection means detects sending, receiving, or editing of an electronic mail as said event.

3. The information processing apparatus according to claim 19, wherein said acquisition means acquires a title and a URL of a Web page containing said important word as the associated information.

4. The information processing apparatus according to claim 19, wherein said acquisition means acquires, in a predetermined timed relation, said associated information related to said important word selected by said selection means.

5. The information processing apparatus according to claim 20, further comprising:
if an update condition is satisfied, update means for updating said database
constructed by said database construction means.

6. The information processing apparatus according to claim 5, wherein said update
condition can be set by a user.

7. An information processing method for an information processing apparatus for
detecting a key word from a text file corresponding to an event that has taken place and
displaying associated information corresponding to said key word, comprising the steps of:

extracting attribute information from an existing text file;
selecting an important word from among words contained in said existing text file;
acquiring said associated information related to said important word selected in the
selecting step;
constructing a database by use of at least one of said attribute information extracted in
the extraction step and said associated information acquired in the acquiring step;
detecting the occurrence of said event;
detecting a key word from said text file corresponding to said event detected in the
event occurrence detecting step;

searching said database constructed in the database constructing step for said associated information corresponding to said key word detected in the key word detecting step; and

controlling displaying of said associated information retrieved in the searching step.

8. A program storage medium storing a computer-readable program for detecting a key word from a text file corresponding to an event that has taken place and displaying associated information related to said key word, comprising the steps of:

extracting attribute information from an existing text file;

selecting an important word from among words contained in said existing text file;

acquiring said associated information related to said important word selected in the selecting step;

constructing a database by use of at least one of said attribute information extracted in the extraction step and said associated information acquired in the acquiring step;

detecting the occurrence of said event;

detecting a key word from said text file corresponding to said event detected in the event occurrence detecting step;

searching said database constructed in the database constructing step for said associated information corresponding to said key word detected in the key word detecting step; and

controlling displaying of said associated information retrieved in the searching step.

9. An information processing apparatus for displaying a character on a display device and for displaying associated information related to a text file processed by a predetermined application program, comprising:

processing detection means for detecting, as an event, predetermined processing of said predetermined application program;

key word detection means for detecting a key word from said text file processed by said predetermined application program corresponding to said event detected by said processing detection means;

search means for searching a database for said associated information by searching a data base for a previous processed existing file corresponding to said key word detected by said keyword detection means;

input means for inputting a command;

command processing means for executing, in response to said command inputted by said input means, processing on said associated information retrieved by said search means; and

display control means for displaying, in response to said event detected by said processing detection means, said character onto said display device and changing a manner of displaying said character in response to said command inputted by said input means.

10. The information processing apparatus according to claim 9, wherein said display control means also displays text information as a script of said character.

11. The information processing apparatus according to claim 10, further comprising output means for outputting a voice signal corresponding to said text information displayed by said display control means.

12. The information processing apparatus according to claim 9, wherein said command processing means displays, on said display device, said associated information retrieved by said search means in an object form with respect to at least one of movement, storage, and deletion, in response to a display command inputted by said input means.

13. The information processing apparatus according to claim 12, wherein said command processing means stores said associated information in response to a storage command inputted by said input means and displays a list of the stored associated information onto said display device.

14. The information processing apparatus according to claim 9, wherein said associated information is a URL of a Web page and said command processing means starts a WWW browser so as to access said URL of said Web page as said associated information in response to an access command inputted by said input means.

15. An information processing method for an information processing apparatus for displaying a character on a display device and for displaying associated information related to a text file processed by a predetermined application program, comprising the steps of:

detecting, as an event, predetermined processing of said predetermined application program;

detecting a key word from said text file processed by said predetermined application program corresponding to said event detected in the processing detecting step;

searching for said associated information by searching for a previously processed existing file corresponding to said key word detected in the key word detecting step;

inputting a command;

executing, in response to said command inputted in the inputting step, processing on said associated information retrieved in the searching step; and

displaying, in response to said event detected in the processing of said detecting step, said character onto said display device and changing a manner of displaying said character in response to said command inputted in the inputting step.

16. A program storage medium storing a computer-readable program for displaying a character on a display device and for displaying associated information related to a text file processed by a predetermined application program, comprising the steps of:

detecting, as an event, predetermined processing of said predetermined application program;

detecting a key word from said text file processed by said predetermined application program corresponding to said event detected in the processing detecting step;

searching for said associated information by searching a database for a previously processed existing file corresponding to said key word detected in the key word detecting step;

executing, in response to a command inputted, processing on said associated information retrieved in the searching step; and

displaying, in response to said event detected in the processing of said detecting step, said character onto said display device and changing a manner of displaying said character in response to said command inputted.

17. An information processing apparatus according to Claim 1, further comprising:
grouping means for grouping said existing information into a group of existing information based upon attribute information of said existing information,

wherein said acquisition means acquires the associated information related to said group of existing information made by said grouping means as said existing information,

said search means searches for said group of existing information as said existing information having similarity to information corresponding to the present event detected by the event occurrence detection means, and

the display control means controls displaying of said associated information related to said group of existing information as said existing information retrieved by said search means.

18. An information processing apparatus according to Claim 17, further comprising:

weight calculation means for calculating weight of key words contained in each said group of existing information,

selection means for selecting an important word among said key words based upon said weight of key words,

wherein said acquisition means acquires said associated information related to said group of existing information using said important word selected by said selection means.

19. The information processing apparatus according to Claim 1, wherein said existing information corresponding to said past event is an existing text file and said information corresponding to said present event detected by the event occurrence detection means is a text file, further comprising,

selection means for selecting an important word from among words contained in said existing text file,

wherein the acquisition means acquires said associated information by using said important word selected by said selection means as said existing information.

20. An information processing apparatus according to claim 1, further comprising:
extraction mean for extracting attribute information from the existing information;
and

database construction means for constructing a database by use of at least one of said attribute information extracted by said extraction means and said associated information acquired by said acquisition means.

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IX. EVIDENCE APPENDIX

None

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X. RELATED PROCEEDINGS APPENDIX

None

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MARI SAITO, et al. : EXAMINER: ABEL-JALIL, N.
SERIAL NO: 09/785,204 :
FILED: FEBRUARY 20, 2001 : GROUP ART UNIT: 2175
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APPARATUS AND METHOD
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SUPPLEMENTAL REQUEST FOR APPEAL REINSTATEMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is a supplemental request for reinstatement of the appeal in the above-identified application in reply to the Notification of Non-Compliant Brief mailed September 2, 2005.

It is noted that this Notification of Non-Compliant Brief mailed September 2, 2005, is OVER ELEVEN MONTHS from the filing date of the supplemental brief on October 29, 2004 and that no explanation for this OVER ELEVEN MONTHS delay accompanies the Notification.

It is further noted the previously filed supplemental brief was and is believed to be fully compliant with 37 CFR § 41.37. In this regard, the supplemental brief was incorrectly noted to be "missing a concise explanation of the invention" as to Claims 7, 8, 11, 15, and 16.

However, page 4, lines 1-7 noted the following as to Claims 7 and 8:

With further regard to an exemplary disclosure of corresponding steps of independent Claim 7 and program storage medium of independent Claim 8, note the flow charts of Figure 3 and Figure 5. The corresponding Figure 3

description appears at page 17, line 21 through page 21, line 8, of the specification while the corresponding Figure 5 description appears at page 21, line 9 through page 22, line 20 of the specification. The description of the program storage medium at page 48, line 1-page 49, line 3 of the specification are also relevant as to exemplary support.

This explanation clearly references the specification by page and line numbers, and makes reference to the relevant the flow charts of Figure 3 and Figure 5. These flow charts do not include separate reference characters per se. However, to the extent that the PTO is suggesting that all of the illustrated flow chart steps (S1-S7 of Figure 3 and S11-S21 of Figure 5) must be individually noted, this has been done in the modified "SUMMARY OF THE CLAIMED SUBJECT MATTER" that appears below. In addition, the requirement is noted as being unreasonable in the Petition for Explanation and Withdrawal of Improper Requirements that is filed herewith.

Furthermore, a "concise" explanation as to Claims 15, and 16 was presented at page 5, lines 10-12, of the previously filed supplemental brief as follows:

The support for independent method Claim 15 and independent program storage medium Claim 16 is the same as that for independent apparatus Claim 9 as these claims parallel this independent apparatus claim.

As the PTO would again appear to be raising an unreasonable requirement that precludes such incorporation of previous recitals of exact support to provide a concise description, the above noted Petition treats this matter as well. In the interim, the subject matter that was previously concisely explained is set forth in the repetitive manner apparently demanded by the PTO objection to the "SUMMARY OF THE CLAIMED SUBJECT MATTER."

With regard to the description of Claim 11, note the following from page 5, lines 13 and 14:

The coordination of voice signals of the Claim 11 output means is supported by Claim 11 is supported at page 29, lines 5-16, for example. As the voice synthesizer described at page 29, lines 5-16 is not shown in a drawing as clearly stated there, there is no drawing or drawing reference numeral that can be included.

In addition to the unreasonable requirements made as to the “SUMMARY OF THE CLAIMED SUBJECT MATTER,” a completely improper and impossible requirement was made as to the sixth section of the supplemental brief (VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL) inaccurately stating that “the second grounds of rejection” was somehow omitted. Instead, the section clearly stated BOTH grounds of rejection from the new Office Action mailed July 29, 2004, as follows:

The first ground of rejection for review is the rejection of Claims 1-4, 9-11, 14-17, and 19 under 35 U.S.C. § 102(e) as being anticipated by Shafer et al. (U.S. Patent No. 6,094,681, hereinafter Shafer). The second ground of rejection for review is the rejection of Claims 5-8, 12, 13, and 20 as being unpatentable over Shafer in view of Conley, Jr. et al. (U.S. Patent No. 6,434,745, hereinafter Conley, Jr.) [Emphasis added.]

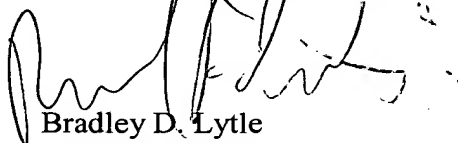
In addition to mistakenly noting that the second grounds of rejection had been omitted, the Requirement is in clear error in suggesting that this section of the supplemental brief “(VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL) is to set forth “the basis for those contentions, including citations of authorities, statutes, and parts of the record relied upon” that accompany section seven as to both grounds of rejection. As the objection is in complete error, the second supplemental brief cannot be corrected as stated. These matters are also detailed in the petition.

Finally, the reference to 37 CFR § 1.192(c) is in clear error because that section no longer exists and because that section when it existed was clearly concerned with the ordering of main sections (I)-VIII) set forth therein. Thus, the inadvertent typographical error of labeling two subsections as "D" and "E" is not a matter upon which any reasonable holding of a noncompliant brief could be based. In this regard, any deleted or missing subject matter is exactly that and formed no part of the previously filed supplemental brief. The typographical errors are corrected in the presently submitted second supplemental brief and the improper reliance on 37 CFR § 1.192(c) is treated in the above-noted Petition.

As the Notification was clearly in error and/or clearly overcome by the second supplemental appeal brief submitted herewith, prompt consideration of the second supplemental brief is respectfully requested.

Respectfully Submitted,

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